

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Th5a

Filed: 10/19/2004
49th Day: 12/7/2004
180th Day: 4/17/2005
Staff: CP-LB
Staff Report: 12/16/2004
Hearing Date: January 13, 2005
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-04-373

APPLICANT: Chris Landon **AGENT:** David Cofrances, Architect

PROJECT LOCATION: 728 Marco Place, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of a one-story, 762 square foot single-family residence, and construction of a 28-foot high, two-story, 2,715 square foot single-family residence with an attached two-car garage on a 3,600 square foot lot.

Lot Area	3,600 square feet
Building Coverage	1,593 square feet
Pavement Coverage	505 square feet
Landscape Coverage	1,502 square feet
Parking Spaces	3
Zoning	R2-1
Plan Designation	Multi-Family Residential - Low Medium I
Ht above final grade	28 feet (plus 35-foot high roof access)

LOCAL APPROVAL: City of Los Angeles Specific Plan Project Permit, Case No. DIR-2004-3161 (SPP)(MEL)(Appeal), 10/15/2004.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with conditions. **See Page Two for the motion.** The applicant, who agrees with the staff recommendation, proposes to build a new two-story, 28-foot high single-family residence in the interior of the developed residential neighborhood known as Milwood. The 3,600 square foot site fronts Marco Place, one of the historic Venice walk streets. Opponents of the proposed project assert that its mass and scale does not complement the existing structures along the walk street as required by the Venice Specific Plan and the certified Venice LUP (i.e., the highest point of the roof is too close to the walk street), and that it is not compatible with the character of the surrounding neighborhood (Coastal Act Section 30251).

The proposed project, which is located one mile inland of the beach, complies with the 28-foot height limit for development along historic walk streets, the density limit, setback requirements and all other specific standards set forth by the Venice Specific Plan, the certified Venice Land Use Plan (LUP) and the City's zoning code. The proposed project has received approval from the City of Los Angeles West Los Angeles Area Planning Commission and is consistent with the R2-1 zoning designation and the surrounding residential land uses. Adequate on-site parking is provided. The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site and the provision of an on-site retention basin/infiltration pit.

Staff recommends that the Commission determine that the proposed project will have no negative effects on visual resources or coastal access, is consistent with community character, the Chapter 3

policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Venice Coastal Zone Specific Plan (Ordinance No. 175,693).
3. Coastal Development Permit 5-92-181-W (Sant – 831 Marco Place).
4. Coastal Development Permit 5-92-245 (Davos – 746 Marco Place).
5. Coastal Development Permit 5-00-005 (Podleski – 839 Superba Ave.).
6. Coastal Development Permit 5-01-360 (Podleski – 2338 McKinley Ave.).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Approved Development - Permit Compliance

Coastal Development Permit 5-04-373 approves the demolition of a one-story single-family residence, and construction of a two-story, 28-foot high single-family residence. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any proposed change or deviation from the approved plans, including change in the number of residential units, change to parking supply or change in use, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Venice Walk Street Setback and Design Requirements

The approved development shall comply with the following requirements:

- (a) Building Setback. In order to maintain an open and visible access corridor and to enhance visual quality, all balconies and other portions of the structure (except for ground level decks and porches that do not exceed 18 inches in height above the elevation of the walk street sidewalk) shall be set back at least fifteen feet (15') from the Marco Place right-of-way.
- (b) Building Design. In order to enhance visual quality and community character, the side of the building facing the Marco Place walk street shall be designed and constructed with a varied and articulated façade that provides visual interest to pedestrians. Frequent windows and the primary ground floor entrance for the residence shall face the walk street. Porches, bays and balconies, consistent with the setback and height requirements of part (a) above, are encouraged.

- (c) Building Height. The maximum height of the single-family residence shall not exceed 28 feet above the centerline of the fronting right-of-way (Marco Place), except for one roof access structure (stairway enclosure), with a footprint not exceeding one hundred square feet, which shall not exceed 35 feet in height. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 33 feet above the centerline of the fronting right-of-way.
- (d) Landscaping. In order to enhance visual quality and to preserve the water quality, the building setback area required by part (a) above shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants.
- (e) Marco Place Right-of-Way. In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between the Marco Place public sidewalk and the private dwelling, the area situated between the Marco Place sidewalk and the permittee's property line (i.e., within the Marco Place right-of-way) shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants and enclosed within a 42-inch high decorative fence (e.g. split rail, picket or rustic). The permittee and the proposed development shall not interfere with public pedestrian access to and along the public sidewalk that runs down the center of the Marco Place right-of-way.

The permittee shall undertake and maintain the development in conformance with the approved final plans. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Parking

As proposed by the applicant, a minimum of three (3) parking spaces shall be provided and maintained on the site: two spaces in the garage and one space next to the garage.

4. Construction Responsibilities and Debris Removal

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wind or rain erosion and dispersion.
- (b) Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- (c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall

include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to demolish the existing one-story, 762 square foot single-family residence on the site, and construct a two-story, 2,715 square foot single-family residence with an attached two-car garage (See Exhibits). The 3,600 square foot lot is situated one mile inland of the beach in the Milwood area of Venice (Exhibit #1). The height of the proposed two-story residence is 28 feet above the elevation of Marco Place, one of the historic Venice walk streets (Exhibit #5). On-site parking for the proposed residence would be provided within an attached two-car garage, with vehicular access provided from the rear alley (Exhibit #3). An additional parking space is proposed on the driveway apron located in the 15-foot rear yard setback.

The proposed two-story structure's setback from the public sidewalk in the center of the walk street is 29.8 feet, which is consistent with the setbacks provided along this block of Marco Place (Exhibit #4). The setback from the public sidewalk is composed of a fifteen-foot deep front yard setback on the applicant's lot, and 14.8 feet of the landscaped Marco Place right-of-way (Exhibit #3). The applicant has agreed to maintain the setback area as a landscaped and permeable yard area as called for by the certified Venice LUP. The proposed project would also provide an on-site retention basin/infiltration pit in the front yard (Exhibit #3). The proposed side yard setbacks on the forty-foot wide lot are 3'10" wide.

The proposed single-family residence has been reviewed and approved by the City of Los Angeles West Los Angeles Area Planning Commission. The first City approval, granted on July 8, 2004, was a Director of Planning determination for approval of the Project Permit pursuant to the requirements of the City's Specific Plan for Venice (Case No. DIR-2004-3161). The Director of Planning determined that the proposed single-family residence is compatible in character and scale with the surrounding neighborhood and in compliance with all requirements of the Venice Specific Plan. Andrea D'Amico appealed the Director's July 8, 2004 determination to the West Los Angeles Area Planning Commission. The opponents of the project assert that its mass and scale does not complement the existing structures along the walk street and that it is not compatible with the character of the surrounding neighborhood because the highest point of the roof is too close to the walk street (See Appendix A).

On September 1, 2004, the West Los Angeles Area Planning Commission held a public hearing for the appeal of the Project Permit and voted 2-1 to reject the appeal. A new hearing was required, however, because two votes was deemed to be insufficient to reject the appeal. On October 6, 2004, the Planning Commission held a new public hearing for the appeal and voted 3-2 to reject the appeal and sustain the Director's approval of the Project Permit for the applicant's proposed single-family residence.

The applicant is now requesting Commission approval of the coastal development permit that is necessary to undertake the proposed development. The Commission has recognized in both prior permit and appeal decisions that the Milwood area of Venice, where the proposed project is located, is a unique coastal community. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Milwood neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the community and its historic walk streets.

On June 14, 2001, the Commission certified the City of Los Angeles Land Use Plan (LUP) for Venice. The certified Venice LUP maintains the City's and Coastal Commission's previous density limits and parking standards for the Milwood area of Venice. The certified LUP increased height limits for buildings with varied or steeped-back rooflines from 25 to thirty feet, except on walk streets, where the height limit was raised from 25 feet to 28 feet. The policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing character of each Venice neighborhood.

Certified Venice LUP Policies

The Commission adopted the following policy as part of the certified Venice LUP in order to regulate residential development on lots in the Milwood area of Venice that have been designated with the *Multi-Family Residential - Low Medium I* land use designation. The following policy language applies to the project site.

Venice Land Use Plan Policy I.A.6 states:

- **Policy I. A. 6. Multi-Family Residential - Low Medium I Density.** *Accommodate the development of duplexes and multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium I" on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.*

Southeast Venice and Milwood

Use: Two units per lot, duplexes and multi-family structures

Density: One unit per 2,500 square feet of lot area. Lots smaller than 5,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 5,000 square feet can add extra density at the rate of one unit for each 2,000 square feet in excess of 5,000 square feet in lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Not to exceed 25 feet for buildings with flat roofs, or 30 feet for buildings with stepped back or varied rooflines. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16). [28' along walk streets].

LUP Walk Street Design Standards

The certified Venice LUP also contains specific building design standards that have been designed and adopted in order to preserve the unique character of the Venice walk streets.

Policies II.C.10 and II.C.11 of the certified Venice LUP state:

- **Policy II. C. 10. Walk Streets -- Residential Development Standards.** *New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.*
- **Policy II. C. 11. Encroachments into Walk Street Right-of-Way.** *Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences. The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public path ways and private dwellings. To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian. Creative use and arrangement of permeable paving materials shall be encouraged. Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way. The use of decorative fence patterns such as split rail, picket and rustic is encouraged. New fences shall be located in line with existing fences on the same side of the street.*

The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that approved developments are consistent with the Coastal Act and the certified LUP, when necessary. In order to mitigate the identified impacts, the appropriate special conditions have been applied to this coastal development permit.

Staff is recommending approval of the proposed single-family residence (with conditions) because it complies with the 28-foot height limit, the density limit, all setback requirements, on-site parking requirements, and all other specific requirements set forth by the Venice Specific

Plan, the certified Venice LUP and the Chapter 3 policies of the Coastal Act. Although the proposed two-story structure has an architectural style that is different from many of the existing homes on the street, its design and mass would not have a detrimental effect on community character.

Additionally, the proposed 28-foot high structure would not have a detrimental effect on the historic Marco Place walk street or loom over pedestrians using the public walk street as the proposed house is set back 29.8 feet from the sidewalk. The 29.8-foot setback puts the building in line with the other homes on the same side of the street (Exhibit #4). Finally, the Commission does not have complete review authority over all the projects in the neighborhood because existing single-family residences can be improved and added onto without obtaining a coastal development permit (Coastal Act Section 30610). Although the proposed demolition of an existing house and the construction of a new single-family residence must obtain a coastal development permit, many of the homes in the area have been enlarged to two-story homes without being required to obtain a coastal development permit. Therefore, the Commission is not able to impose on all projects equally the more stringent setback requirements that the opponents are requesting in this case.

Therefore, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. As conditioned, the proposed project is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

B. Community Character

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

C. Public Access/Parking

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Public Recreation

The proposed development does not interfere with public recreational use of coastal resources. As conditioned, the development protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

E. Recreation Areas and Parks

The proposed development will not result in significant degradation of adjacent habitat, recreation areas, or parks and are compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the proposed development conforms with Section 30240(b) of the Coastal Act.

F. Marine Resources and Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

G. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified Venice LUP. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.